

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 14, 2007

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

**C051636 DEPARTMENT OF PERSONNEL ADMINISTRATION et al. v. CALIFORNIA
CORRECTIONAL PEACE OFFICERS ASSOCIATION**

Cause called. Ronald Yank argued and Gregg Adam appeared only for appellant. Warren Curt Stracener argued and William Curtis appeared only for respondents. Cause submitted.

At 10:10 a.m., the court recessed. At 10:16 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Morrison, Associate Justice.

C051984 SEVILLA et al. v. ESTATE OF LYNN MAXEY WYLIE

C052590 Cause called. Gary L. Simms argued for appellants. James V. Nolan
C053043 argued for respondents. Cause submitted.

At 10:53 a.m., the court recessed until 9:30 a.m., Tuesday, May 15, 2007.

**C049821 PARKSIDE APARTMENT PARTNERS v. THE CADLE COMPANY II, INC.
(Not for Publication)**

The judgment is reversed and the matter remanded to the trial court with directions to determine Cadle's actual damages for breach and enter judgment for Parkside for the amount of the late charge, less actual damages suffered by Cadle, plus interest. With reversal of the judgment for Cadle, the award of costs and attorney fees to Cadle is also vacated. Parkside shall receive its costs on appeal.

HULL, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C051009 HAMILTON v. HOLT et al. (Not for Publication)

The order denying the motion for attorney fees is affirmed.

RAYE, J.

I concur: Davis, J.

I concur in the judgment on the ground that appellant has not furnished an adequate record for review...

Sims, Acting P.J.

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The Minutes

May 14, 2007, continued

C052524 THE PEOPLE v. CORS

BY THE COURT:

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

**C050978 AIR COURIERS INTERNATIONAL et al. v. EMPLOYMENT DEVELOPMENT
DEPARTMENT et al. (CERTIFIED FOR PUBLICATION)**

THE COURT:

The opinion in the above-entitled matter filed on April 12, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

BY THE COURT:

SCOTLAND, P.J.
DAVIS, J.
RAYE, J.

May 15, 2007

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C051068 DORRIS v. BANK OF AMERICA, NATIONAL ASSOCIATION

Cause called. Robert F. Koehler argued for appellant. Greg J. Richardson, argued for respondent. Cause submitted.

At 10:07 a.m., the court recessed. At 10:11 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C054092 SACRAMENTO COUNTY OFFICE OF EDUCATION v. WORKERS'
COMPENSATION APPEALS BOARD et al.**

Cause called. Jonarde Raab argued for petitioner. Evelyn M. Beaver argued and Martin J. Beaver appeared only for respondents. Cause submitted.

At 10:57 a.m., the court recessed. At 2:00 p.m., the court reconvened with Nicholson, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C053396 PREMIER CAPITAL v. NORTH AIRCRAFT SERVICES INC., et al.

Cause called. Ray Schumann argued for appellant. John David Pereira argued for respondents. Cause submitted.

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May 15, 2007, continued

At 2:17 p.m., the court recessed until 9:30 a.m., Wednesday, May 16, 2007.

- C048425 THE PEOPLE v. CRAIG (Not for Publication)**
... The matter is remanded to the superior court with directions to prepare an amended abstract of judgment reflecting these changes as well as showing defendant's five-year enhancement for his prior serious felony conviction. The court is to forward a copy of the amended abstract of judgment to the Director of the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
 NICHOLSON, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C052334 In re J.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. A.H. (Not for Publication)**
The order of the juvenile court is affirmed.
 NICHOLSON, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C054199 In re A.S. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v.
A.S. (Not for Publication)**
The juvenile court's findings and orders are affirmed.
 SCOTLAND, P.J.
We Concur: Nicholson, J.
 Raye, J.

May 16, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice, Raye, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

- C051987 THE PEOPLE v. ALLEN**
Cause called. Jesse S. Ortiz, III argued for appellant. Brook A. Benningson, Deputy Attorney General, argued for respondent. Cause submitted.
- C052673 O'DEA v. BUNNELL, et al.**
Cause called. John Houston Scott argued for appellant. Kevin W. Reager, Deputy Attorney General, argued for respondents. Cause submitted.

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May 16, 2007, continued

Butz, J.

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STATE OF CALIFORNIA
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May 16, 2007, continued

C053068 THE PEOPLE v. EVANS (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.

Hull, J.

C051101 In re S.R.; THE PEOPLE v. S.R. (Not for Publication)

The order of the juvenile court is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Robie, J.

C051817 THE PEOPLE v. BOWERS

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

May 17, 2007

C050556 THE PEOPLE v. CALDWELL (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Cantil-Sakauye, J.

C051102 THE PEOPLE v. TINCHER (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed.

SIMS, Acting P.J.

We Concur: Morrison, J.

Robie, J.

C051280 THE PEOPLE v. NGUYEN (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Davis, J.

C051453 THE PEOPLE v. JUAREZ (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

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The Minutes

May 17, 2007, continued

- C051630 THE PEOPLE v. CASTON (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment... and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.
- C052737 THE PEOPLE v. SUMMERFIELD (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C053818 THE PEOPLE v. SPARKS (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C052990 CARTWRIGHT v. REGENTS OF THE UNIVERSITY OF CALIFORNIA et al. (Not for Publication)**
The judgment is affirmed. Defendants are awarded costs on appeal...
ROBIE, J.
We Concur: Sims, Acting P.J.
Hull, J.

May 18, 2007

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Morrison, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

- C052757 DOE v. NEVADA COUNTY CONSOLIDATED COURT et al.**
Cause called.. Richard A. Frishman argued for appellant. Michael A. Bishop argued for respondents. Cause submitted.

At 10:01 a.m., the court recessed. At 10:06 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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May 18, 2007, continued

C051407 CORRALES et al. v. DELL, as Labor Commissioner, etc.

Cause called. Cynthia L. Rice argued and Jonathan Che Gettleman appeared only for appellants. Anne P. Stevason argued and Anne Hipshman appeared only for respondent. Cause submitted.

C048310 LEE v. SWANSBORO COUNTRY PROPERTY OWNERS ASSOCIATION

Cause called. Don H. Lee argued In Pro Per as appellant. Respondent did not appear. Cause submitted.

At 10:43 a.m., the court recessed. At 10:46 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051521 STEVENSON et al. v. CALIFORNIA SECURITY CONSULTANTS, INC.

Cause called. Adam Blair Corren and Thomas H. Keeling argued for appellants. David R. Lebeouf argued for respondent. Cause submitted.

At 11:06 a.m., the court recessed until 9:30 a.m., Monday, May 21, 2007.

C052780 THE PEOPLE v. LOPEZ (Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Raye, J.

C051736 THE PEOPLE v. WAYMIRE (Certified for Publication)

THE COURT:

The opinion of this court filed April 20, 2007, in the above entitled case is modified...

... The petition for rehearing is denied. This modification does not affect the judgment.

BY THE COURT:

SIMS, Acting P.J.

HULL, J.

ROBIE, J.